| Α | Yes | 3. |
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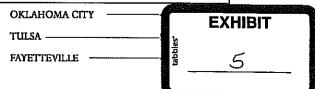
- ο. When was that request made?
- Α. Can I clarify?
- Ο. Sure.

Α. We were asked to gather information on response costs and the agency has put together a list of monies that they have spent over a period of time in the Illinois River's Watershed.

They turned that document in this week, and when they turned that list in, then they requested that the documents for that list be pulled. So we got that request this week.

- Ο. When was the request made to gather the information for this expense?
- It has been going on for a while. that they did a preliminary list, and that would have been early part of 2008.
- What were you requested to gather in early 2008?
- It is my understanding that they had Α. requested, the Attorney Generals, when I'm talking about they, Attorney General's office had requested that agencies prepare a list of monies that they have spent in the Illinois River's Watershed to the AG's office.





| A. I don't understand the quest | ion. |
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|---------------------------------|------|

- Q. Well, let's take, for example, Blue Thumb. It is my understanding that Blue Thumb is an educational program, primarily; is that correct?
- A. I have very little knowledge about Blue Thumb, because it is not an area that I have actually dealt with anything on under OCC as their general counsel.

But in a basic sense, I understand it to be an educational, environmental education, conservation educational program.

- Q. Is that Blue Thumb program a response cost?
- A. I don't remember if it is on or not.
- Q. Who would know what programming is being included in the response costs? Is that Mr. Leach and Ms. Phillips again?
- A. The list was put together by Jim Leach and Shannon Phillips, and then the Attorney General's office.
- Q. Do you know what was done at ODAFF with regard to response costs?
 - A. No.
- Q. While you were still at ODAFF, was there an initial list put together at ODAFF for response costs?
 - A. I don't remember doing one.



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| Q. | Do you | know | who | at | ODAFF | is | working | on |
|---------|----------|------|------|------|-------|----|---------|----|
| ODAFF's | response | cost | numk | pers | s? | | | |

- Α. No. I remember one other thing on the response cost, I think it is Stamper.
- Ο. Was the Stamper project, the fertilizer or energy project, that's a response cost?
 - Α. I believe they have listed it.
 - Is that on the current list? Ο.
 - Α. I don't know.
- Ο. Are the B & P programs that OCC administers, are those being included in the response costs?
- Α. What do you mean by B&Ps program, are you talking about poultry litter, like the B&Ps that it contracted out with the company or are you talking about best management --
- No, I'm talking about the best management practices. Are there programs outside CREP that would include best management practices that would be included in the response costs?
- Α. I would say any program where they spent money for B&Ps would be looked at, at least on the original list. I don't know if they are still -- what is still on there. Because some of those programs require cost share by the landowners. The landowners also contributed.



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| been | done | that | is | along | g those | lines, | I | mean | is | that |
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| somet | hing | like | Bea | atty (| Creek? | | | | | |

- Α. Yes.
- That type of project? Ο.
- Α. Yes.
- So the Peacheater Project? Ο.
- Peacheater Project, what they are doing in Α. Eucha Spavinaw, yes, the Beatty Creek.

MR. HIXON: We have been going about an Let's take a break. hour.

(Short break)

- (BY MR. HIXON) We are back on the record. 0. Sitting here today, do you feel that you're qualified to testify on these response cost issues at trial?
- Α. Presently, I would say that if I was going to testify at trial, I would have to read up on what the final list is and know more about the topic than I do currently.
- Okay. So is it fair to say that your Q. testimony at trial would be different than what you have given us here today on response costs?
 - Α. Yes.
 - At least with regard to being more informed? Ο.
 - Α. Yes.
 - Let's move on. You were also identified on Ο.



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purpose of the program was when I was reviewing it. Т was looking at it specifically in regards to the procedural process of what they were doing in regards to those unit costs.

So I really didn't spend a lot of time on the purpose of the program itself and what it was doing. I was looking more at the money part and how that was being handled.

MR. HIXON: I will pass the witness. you.

> THE WITNESS: Thank you.

MS. HILL: Just a moment.

CROSS EXAMINATION

BY MS. HITLE:

Ο. Ms. Stewart, my name is Theresa Hill. represent the Cargill defendants in this matter, and I have a few follow-up questions. I apologize, I may jump around a little bit on what Philip said. I just want to try to clear up a few things.

On your prior testimony about your response costs, we discussed a recent list that you have been working on at the Oklahoma Conservation Commission of potential response costs. Did you bring that list with you today?

Α. No.



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| | Q. | Okay | And | you' | re | not | prepared | to | produce |
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| that | list | to u | s today | y the | en? | | | | |

- A. No.
- Q. Okay. What preparations for your deposition did you do to testify about response costs today?
- A. I haven't done any preparation in regards to testifying directly. Only thing that I prepared for really was the depositions that I was sitting in with some of the other people this week. So I haven't really glanced or looked at anything.
- Q. So to be clear, you have not done any preparation to testify about response costs in preparation for this deposition today?
 - A. No.
- Q. Another potential witness identified on the state's final fact witness list to address some response costs from Oklahoma Conservation Commission is Philip Marshall, is that how you say his last name?
 - A. I don't know him.
- Q. You don't know Philip. And during your tenure either at Conservation Commission or at the Department of Ag, have you ever reviewed any discovery served by any defendants addressing the issue of response costs?
 - A. I don't remember seeing anything, but I know

